

REMARKS

Reconsideration and reexamination are requested in the above application.

On August 26, 2003, the Examiner, the Examiner's supervisor, Examiner Thomas, representatives of the assignee, Mr. David Baggett, Mr. Gregory Galpern and Mr. Craig Stelmach, and the undersigned conducted a telephonic interview. Discussed were the first paragraph rejection of claim 1 and its dependent claims, and how claim 1 distinguished over the cited art, especially the Lynch '094 patent and Walker '620 patent. Agreement was reached with respect to claims rejected under 35 U.S.C. 112, first paragraph. The agreement reached was that the rejection would be withdrawn if Applicant recited in claim 1 that the computer system included a processor and memory.

Agreement was also reached that if Applicant clarified that the claims were directed to "seat availability information" and had provisions for multiple seat availability information sources positively recited in claim 1, that favorable consideration would be given to claim 1 and its dependent claims in view of rejections involving the cited art including Lynch '094 and Walker '620. Applicant pointed out differences between claim 1 and the cited references. Applicant also agreed to review the remaining claims to amend them as appropriate to distinguish over the references.

The Examiner rejected claims 1-14 and 28-30 under 35 U.S.C. 112, first paragraph, as being of undue breadth. The Examiner in essence interpreted the claims as directed to a "single means claim." Although Applicant disagrees with the Examiner, Applicant amended the claims to include a processor and memory and as acknowledged by the Examiner during the interview this should be sufficient to overcome the rejection.

The Examiner rejected claims 1-14 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner identified instances of lack of antecedent basis in the claims. Applicant has amended the claims to overcome this rejection.

The Examiner also pointed out that claim 15 directed to a computer program product did not positively recite a medium to embody the product. Applicant has also amended claim 15 to recite: "A computer program product embodied on a computer readable medium."

This rejection has been overcome and should be removed.

The Examiner rejected claims 15, 19, 21, 22 and 26 under 35 U.S.C. 102(e) as being anticipated by Lynch, U.S. Patent 6,119,094.

Claim 15 was amended to recite ... instructions for causing a computer to ... determine quality of a first set of seat availability information ... and if the quality of the seat availability information is low, execute a second set of seat availability queries to the first source or a different source of seat availability information to provide a second set of seat availability information ... and produce, from the second set of seat availability information and a set of the instances of transportation, a set of instances of transportation, for which a seat is available.

Lynch does not describe instructions to determine quality of seat availability information. Nor does Lynch suggest to execute a second set of seat availability queries to the first source or a different source of seat availability. Lynch therefore does not suggest to produce, from the second set of seat availability information and a set of the instances of transportation, a set of instances of transportation, for which a seat is available.

Claim 19 further distinguishes by reciting that the sources of seat availability information generate replies with differing quality properties including at least one of freshness, confidence, precision, and validity.

Claim 21 distinguishes by reciting evaluating quality of availability information received from a source of availability information for a set of instances of transportation to determine a set of available instances of transportation to guide a travel planning system in determining a subsequent set of available instances of transportation.

Claim 22 distinguishes by reciting receiving the set of instances of transportation from a travel planning system in response to a user query.

Claim 26 distinguishes by reciting that the sources of seat availability information generate replies with differing quality properties including at least one of freshness, confidence, precision, and validity.

The Examiner rejected claims 1-4, 11, 13, 16, 23, 29, and 30 under 35 U.S.C. 103(a) as obvious over Lynch, U.S. Patent 6,119,094.

Applicants' claims 1-4, 9, 11-13, 16, 23, 29, and 30 are distinct from Lynch '094. The Examiner contends that Lynch discloses (at column 2, lines 60-65: col. 6, lines 11-17) a system to determine age of the availability data and determines how well the availability data meets certain parameters entered by the user and submits subsequent queries to one or more CRS's ...

Claim 1, as amended, recites an availability process that can access seat availability information from multiple sources of seat availability information. Lynch neither describes nor suggests this feature. Lynch is not directed to the problem of how to determine seat availability on a mode of transportation, e.g., an airline flight. Rather, Lynch is directed to the problem of determining solutions to travel queries by finding flights and fares useable with the flights.

Lynch does not use received instances of transportation to obtain results from a first source of seat availability information. Lynch clearly does not use the results to determine a set of instances of transportation for which a seat is available from the received instances of transportation. Lynch does not determine quality properties of the availability information, and does not suggest a process that uses the quality properties to determine whether the first source of seat availability information is reliable. Lynch neither describes nor suggests a process to execute a second set of seat availability queries to the first source or a different one of the multiple sources of seat availability information based on the outcome of determining quality properties ...

In essence, Lynch does not address the problem of determining seat availability and fails to suggest determination of the quality of the seat availability information. What Lynch describes by references to "available" is not determining seat availability information, but existence of flight/fare data that can be used to form priced itineraries. However, the priced

itineraries that Lynch retrieves do not contain the seat availability information which would be needed to answer availability queries.

Lynch neither describes nor suggests multiple sources for seat availability data that can be used with a given set of instances of transportation. Lynch does not compute, store, or express any measure of the quality of the seat availability information. Lynch therefore does not use a quality measure of the seat availability information to guide executing of a second set of seat availability queries to the first source or a different source of seat availability information.

Applicants' claims 2-4 add additionally distinct features.

Applicants' claims 11-13 distinguish from Lynch because Lynch neither describes nor suggests an availability process that speculatively determines travel options using low quality, uncertain or missing availability data. As discussed, Lynch does not suggest the use of predictors of availability. Rather, to the extent that Lynch teaches availability information, Lynch obtains "availability information" directly from computer reservation systems (Col. 3 lines 35-39).

Claim 16 distinguishes by reciting instructions to send the second set of seat availability queries to a different higher quality source of seat availability information if the results from the first source are low quality. While Lynch could send a request to a different CRS (and presumably a different RMS) the request would be for different availability information since different sources of the seat availability that can be used to give information for the same availability query is not present in Lynch.

Claim 23, which depends on claim 21, further distinguishes by reciting, sending seat availability queries to a different source of seat availability information if the results from the first source do not have a sufficient level of quality. Lynch does not test the quality of the seat availability information and hence cannot direct queries to a different source if the quality of the results is low.

Claim 29, which depends on claim 1 and which recites that actual availability queries that are sent to a source of airline seat availability information and are selected to increase the

number of available solutions found or to increase the likelihood that the availability of the desirable solutions has been verified with high confidence is not suggested by Lynch.

To the extent that Lynch addresses the issue of seat availability, Lynch merely reloads all data in the inventory data structure based on a lapse of a predetermined time period. The contents of the answers returned by the CRS do not change Lynch's schedule of future queries to be posed to the CRS. That is, after setting the single time update period, the schedule of queries to the CRS is completely and immutably predetermined.

Claim 30, which depends on claim 1 recites that multiple responses, which contain different availability information and/or quality properties are simultaneously maintained in the travel planning system. Lynch does not suggest this feature.

The Examiner rejected claim 28 under 35 U.S.C. 103(a) over Lynch in view of Official Notice.

The Examiner considers that confidence levels are commonly used in "mathematic/probability calculations." The Examiner considered it to be obvious to combine these "to monitor the accuracy and reliability of the obtained data and enable users to adjust the intervals to increase or decrease number of candidate pools created to further assist the system in identifying a plurality of low cost travel options..."

Clearly, one would not be motivated to combine the so-called Official Notice teachings with the teachings of Lynch. Lynch teaches to retrieve data from CRS's. Hence, the data is what it is. One could not use confidence levels to improve the accuracy of the obtained data as the Examiner argues. Further Lynch does not supply any teachings by which one could select which ones of actual queries to make in order to increase the number of available solutions found or to increase the likelihood that availability of desirable solutions has been verified with high confidence.

The Examiner rejected claims 5-8, 10, 18, 20, 25 and 27 under 35 U.S.C. 103(a) as being unpatentable over Lynch et al., U.S. Patent 6,119,094 in view of Lynch et al., U.S. Patent 5,839,114.

These claims are distinguished from Lynch '094 and '114 since neither Lynch '094 nor Lynch '114 suggest the basic features of Applicants' claim 1. Moreover, Lynch '114 neither describes nor suggests that different sources of predicted seat availability information have differing fixed and modular costs associated with obtaining information, as recited in claim 5. Similarly, claims 6-8, 10, 18, 20, 25 and 27 are distinct over Lynch '094 and Lynch '114.

The Examiner rejected claims 9, 17 and 24 under 35 U.S.C. 103(a), as being unpatentable over Lynch '094 in view of Walker, U.S. Patent 5,897,620.

Amended claim 9 distinguishes by reciting that the at least one source of seat availability information is a source of predicted availability information that generates replies with differing quality properties including at least one of freshness, confidence, precision, and validity.

Walker does not teach prediction of seat availability information. Rather, Walker mentions an RMS (revenue management system) and uses that system to provide seat availability data. A RMS system is a system that supplies actual seat availability information, typically in response to a query posed to the system. In Applicant's claim 9, the claimed source that predicts availability information forms a prediction of how an RMS system will respond to a query. That is, Claim 9 uses a source of predicted availability information as a way to predict how the RMS would answer a given query for seat availability information. Hence, claims 9, 17, and 24 further distinguish over Lynch and Walker.

The Examiner rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over Lynch '094 in view of Hornick, U.S. Patent 5,270,921.

Claim 12 is directed to the situation where low-quality answers are ... guessed or computed internal to the travel planning process. This is not described by the references.

The Examiner rejected claim 14 under 35 U.S.C. 103(a) as being unpatentable over Lynch '094 in view of Slotznick, U.S. Patent 5,983,200.

Applicants contend that claim 14 is distinct from Lynch taken separately or in combination with Slotznick for the reasons mentioned in conjunction with claim 1. The Examiner admits that Lynch does not suggest this feature and Applicant contends that Slotznick

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Serial No. : 09/431,674
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Page : 16 of 16

Attorney's Docket No.: 09765-017001

neither describes nor suggests an intelligent client for processing and integrating scheduling and fare information and availability data in a travel planning system.

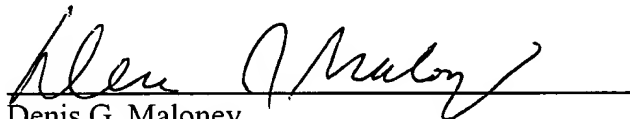
Applicants have considered the art made of record but not applied by the Examiner and submit that this art, whether taken separately or in combination with the applied art, neither describes nor suggests Applicants invention as now claimed.

Enclosed is a **\$72** check for excess claim fees and a **\$110** check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

9/9/03



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